

1 **LAW OFFICE OF FRANK SORRENTINO**
2 FRANK SORRENTINO, ESQ.
3 Nevada Bar No. 000421
4 BONNIE BOYCE, ESQ.
5 Nevada Bar No. 000870
1118 East Carson Avenue
Las Vegas, Nevada 89101
(702) 384-6824
Attorney for Debtor

E-Filed On: 09-18-2009

6 **UNITED STATES BANKRUPTCY COURT**

7 **DISTRICT OF NEVADA**

8 In Re } Case No.: BK-S-08-24593-MKN
9 } Chapter 13
10 DAVID P. WALTER } Hearing Date: September 30th, 2009
11 Debtor } Hearing Time: 1:30 p.m.
12 _____)

13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COMES NOW, Debtor, DAVID P. WALTER, by and through his attorney,
15 BONNIE BOYCE, ESQ., of the LAW OFFICE OF FRANK SORRENTINO, and
16 respectfully requests this Court to deny the MOTION FOR RELIEF FROM
17 AUTOMATIC STAY filed by WELLS FARGO BANK, N.A. dba America's Servicing
18 Company by and through its attorney, GREGORY L. WILDE, ESQ. of WILDE &
19 ASSOCIATES.

20 **POINTS AND AUTHORITIES**

21 11 USC Section 362(d)(1) states that the Court may terminate, modify or
22 condition stay:

23 "for cause, including the lack of adequate protection of an interest in
24 property of such party in interest;—"

25 11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay:
26

27 "with respect to a stay of an act against property under subsection (a) of
28 this section, if-

(A) the debtor does not have an equity in such property AND
(B) such property is not necessary to an effective reorganization

STATEMENT OF FACT

Debtor's property is located at 3945 Narrow Canyon Street, in Las Vegas, Nevada 89129. The property was valued at approximately \$ 210,181.00 at the time of filing. Debtor's home is necessary for an effective reorganization.

11 USC Section 362(d)(1) may apply as:

1. Debtor acknowledges that he was late on the post-petition mortgage payments.
2. Debtor's intentions are to stay current on future post-petition mortgage payments.
3. Debtor may provide funds prior to the hearing.

CONCLUSION

THEREFORE, Debtor requests that the Motion for Relief from Automatic Stay be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtor to become current on the post-petition mortgage arrearages and/or to Stipulate to an Order Re Adequate Protection.

DATED this 18th day of September, 2009.

LAW OFFICE OF FRANK SORRENTINO

/s/ Bonnie Boyce

1 **CERTIFICATE OF MAILING**

2 I, the undersigned, an employee of the Law Office of Frank Sorrentino, hereby
3 certify that on the 18th day of September, 2009, I deposited in the United States Mail,
4 first class mail, postage pre-paid, a true and correct copy of the **Opposition to Motion**
5 **For Relief From Automatic Stay** to all parties listed below:

6 Kathleen A. Leavitt
7 Chapter 13 Trustee
8 201 Las Vegas Blvd. South, # 200
Las Vegas, Nevada 89101

9 Gregory L. Wilde, Esq.
10 WILDE HANSEN, LLP.
11 208 South Jones Blvd.
Las Vegas, Nevada 89107

12 David P. Walter
13 3945 Narrow Canyon Street
14 Las Vegas, Nevada 89129

15 By _____ /s/ Angela P. Ballard
16 An employee of the Law Office of
Frank Sorrentino

